## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:18-cv-142-FDW

EARL JAMES WATSON,	)
Plaintiff,	)
vs.	) ORDER
PAULA SMITH, et al.,	)
Defendants.	)

**THIS MATTER** is before the Court on the North Carolina Department of Public Safety's ("NCDPS") sealed Notice, (Doc. No. 43), informing the Court that it has been unable to procure a waiver of service of process for Defendants **Polanco** and **Ford**.

NCDPS has provided these Defendants' last known addresses under seal. The Clerk of Court is directed to notify the U.S. Marshal that Defendants Polanco and Ford needs to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendants Polanco and Ford cannot be served at the addresses provided by the NCDPS, the U.S. Marshal shall be responsible for locating his home address so that they may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases"); Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915...."). If the U.S. Marshal is unable to obtain service on Defendants Polanco and Ford, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose

Defendants' home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

## IT IS THEREFORE ORDERED that:

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendants Polanco** and **Ford**. If the U.S. Marshal is unable to obtain service on these Defendants, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to mail a copy of the Complaint, (Doc. No. 1), the Sealed Notice containing Defendants' last known addresses, (Doc. No. 43), and this Order to the U.S. Marshal.

Signed: February 19, 2019

Frank D. Whitney

Chief United States District Judge